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Message Text

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73
ORIGIN COA-02

INFO OCT-01 ARA-11 ADP-00 EB-11 COME-00 CIAE-00 DODE-00

PM-09 H-02 INR-10 L-03 NSAE-00 NSC-10 PA-03 RSC-01

PRS-01 SS-14 USIA-12 CG-00 SCA-01 SCS-03 AGR-20

DOTE-00 FMC-04 INT-08 TRSE-00 JUSE-00 RSR-01 /127 R

DRAFTED BY SFW/ COA WGVANCAMPEN: EEB
4/2/73 EXT. 21073
APPROVED BY SFW/ COA W. G. VANCAMPEN
COM/ NOAA- MR. SNEAD (SUB)
ARA/ BR- MR. LOW (DRAFT)

---------- 087273
R 022052 Z APR 73
FM SECSTATE WASHDC
TO AMEMBASSY BRASILIA
INFO AMCONSUL BELEM
AMEMBASSY MEXICO
AMCONSUL RIO DE JANEIRO

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E. O. 11652: N/ A
TAGS: EFIS BR MX
SUBJ: SUBSTANCE FOR REPLY TO GOB NOTE ON SHRIMPBOATS
AND COMMENTS
REF: BRASILIA 1633, BRASILIA 1704

1. THANKS FOR YOUR NOTE AND LIST OF US SHRIMP FISHING VESSELS WHICH WERE SIGHTED FISHING IN SHRIMP AGREEMENT AREA BUT WHICH WERE NOT COVERED BY INFORMATION FURNISHED TO THE GOB BY USG IN ACCORDANCE WITH ARTICLE IV OF AGREEMENT. WE HAVE STUDIED LIST AND ACCOMPANYING COMMENTS CAREFULLY AND HAVE FOLLOWING TO SAY:
1. SHRIMP AGREEMENT WAS SIGNED IN MAY 1972 AND CAME INTO FORCE IN FEBRUARY 1973. GREAT MAJORITY OF THE
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SIGHTINGS REPORTED IN GOB' S NOTE OCCURRED IN MAY 1972 AND THERE WERE ONLY TWO SUBSEQUENT TO AUGUST 1972. IN ITS NOTE OF MAY 9, 1972, USG STATED THAT PENDING ENTERING INTO FORCE OF AGREEMENT, IT WOULD SEEK, WITH VOLUNTARY COOPERATION OF U. S- VESSEL OWNERS, TO ACHIEVE INTENT OF, INTER ALIA, ARTICLE IV. DURING PERIODFOR WHICH MOST OF THESE SIGHTINGS ARE REPORTED, USG WAS ENGAGED IN THAT EFFORT, WHICH NATURALLY TOOK SOME TIME, SO THAT FIRST TRANSMISSION OF INFORMATION TO THE GOB IN ACCORDANCE WITH ARTICLE IV WAS NOT POSSIBLE UNTIL AUGUST 1972. IT IS NOT SURPRISING, THEREFORE, THAT SOME US FLAG VESSELS WHICH MAY HAVE BEEN SIGHTED IN AGREEMENT AREA IN SPRING AND SUMMER OF 1972 DID NOT EVENTUALLY APPEAR AMONG THE VESSELS FOR WHICH INFORMATION

WAS FORWARDED TO THE GOB. APPARENTLY THEIR OWNERS, WHEN APPROACHED WITH REQUEST TO JOIN IN VOLUNTARY COMPLIANCE PROGRAM, CHOSE RATHER TO WITHDRAW THEIR VESSELS FROM FISHERY.

2. TWO VESSELS, ARELEEN AND JOHN F. KENNEDY, ARE REPORTED AS HAVING BEEN SIGHTED AT TIMES (SEPTEMBER AND OCTOBER) WHEN WE COULD REASONABLY HAVE EXPECTED THAT THEIR OWNERS SHOULD HAVE KNOWN OF THE VOLUNTARY COMPLIANCE PROGRAM AND MIGHT HAVE REGISTERED THEIR VESSELS WITH US. WE ARE TRACING OWNERSHIP OF THESE TWO VESSELS, AND WILL INQUIRE AS TO THEIR OWNERS' INTENTIONS WITH RESPECT TO PARTICIPATION IN SHRIMP FISHING UNDER AGREEMENT. IT IS NOTED THAT VESSELS LISTED IN GOB' S NOTE AS NUMBERS 17-20 (ALL NAMED SEACRUST) ARE NOT US VESSELS BUT ARE BELIEVED TO BE IN REGISTRY OF OTHER COUNTRIES.

3. WE WOULD CALL TO THE ATTENTION OF THE GOB THE FACT THAT THERE IS SOME UNAVOIDABLE DELAY, QUITE BEYOND CONTROL OF VESSEL OPERATOR, BETWEEN REGISTERING OF VESSEL WITH USG AND ISSUANCE OF UNITED STATES- BRAZIL AGREEMENT NUMBER, AND TRANSMISSION OF INFORMATION CONCERNING VESSEL TO GOB. THIS LEAVES OPEN POSSIBILITY THAT BRAZILIAN PATROLS MAY SIGHT VESSEL IN AREA BEFORE RELATED ARTICLE IV INFORMATION HAS REACHED BRAZILIAN NAVY. IN RECOGNITION OF THIS POSSIBILITY, WE WILL ATTEMPT TO SPEED UP TRANSMISSION OF PRELIMINARY INFORMATION ON NEWLY ENTERING VESSELS.
FYI. WE WILL CABLE NAMES AND NUMBERS AS SOON AS RECEIVED
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AND CONTINUE TO POUCH FULL INFORMATION WITH PHOTOS. END FYI

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4. BY THIS TIME, ALL VESSELS WHICH HAVE INFORMED USG OF THEIR INTENTION TO COMPLY VOLUNTARILY WITH PROVISIONS OF AGREEMENT TO DATE SHOULD BE DISPLAYING AGREED SIGN WITH UB NUMBER AS AGREED IN EXCHANGE OF NOTES OF JUNE 30, 1972. WE CONSIDER IT VERY UNLIKELY THAT ANY VESSEL WILL BE SEEN DISPLAYING SUCH SIGN WITHOUT HAVING REGISTERED WITH US AUTHORITIES. THEREFORE, IF BRAZILIAN PATROL SIGHTS VESSEL DISPLAYING SIGN AND FINDS THAT IT DOES NOT HAVE FULL INFORMATION CALLED FOR BY ARTICLE IV CONCERNING VESSEL IN QUESTION, WE BELIEVE IT WOULD BE DESIRABLE TO ASSUME THAT INFORMATION IS IN PROCESS OF TRANSMISSION AND TO QUERY USG THROUGH ESTABLISHED CHANNELS RATHER THAN UNDERTAKE PERHAPS UNNECESSARY IMMEDIATE ENFORCEMENT ACTION.

5. COMMENT: WE ARE PUZZLED BY GOB OFFICIALS' S STATEMENT (BRASILIA 1704) THAT GOB HAS RECEIVED ONLY 135 PHOTOS AND SETS OF COMPLETE DATA. THAT MATERIAL WAS FORWARDED IN SEPTEMBER 1972. TWELVE MORE PHOTOS WERE SENT IN DECEM- BER, 10 IN MID- MARCH AND 4 MORE HAVE JUST BEEN SENT. AS

FOR IMPLEMENTING LEGISLATION, WE ARE PUSHING IT AS FAST AS OUR LEGISLATIVE PROCESSES ALLOW. PERHAPS IT SHOULD BE POINTED OUT THAT, AS FAR AS WE ARE AWARE, ALL MAJOR PROVI SIONS OF AGREEMENT ARE BEING OBSERVED EVEN WITHOUT IMPLE- MENTING LEGISLATION. THAT IS, WE HAVE RECEIVED NO REPORT FROM GOB, WHICH HAS ENFORCEMENT RESPONSIBILITY, THAT LIMITATIONS OF NUMBER AND SIZE OF VESSELS, TYPE OF FISHING GEAR, AREA AND SEASON OF OPERATION ARE NOT BEING OBSERVED, OR THAT US VESSELS ARE NOT USING IDENTIFICATION SIGN AGREED IN JUNE 1972. AS FOR IDENTIFICATION MATERIALS, WE ARE TRANSMITTING THEM AS RAPIDLY AS WE CAN. UNDER THESE CIR- CUMSTANCES, WE HAVE TO CONCLUDE THAT OBJECTIVES OF AGREE- MENT ARE BEING SUBSTANTIALLY ACHIEVED, AND THEREFORE WE HAVE DIFFICULTY UNDERSTANDING WHY GOB IS COMPLAINING, UNLESS ITS REAL CONCERN IS PAYMENT OF AGREED SUM, WHICH MUST OF COURSE AWAIT ENACTMENT OF LEGISLATION. RUSH

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MEXICO
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